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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 Colfin AI-CA4, LLC,

12 Plaintiff,

13 vs.

14 Sophia F. Ludyjan Woods,

15 Defendants.

CASE NO. 14cv546-CAB-NLS

ORDER *SUA SPONTE*
REMANDING ACTION TO
STATE COURT

16 On January 15, 2014, Plaintiff Colfin AI-CA4, LLC, filed a verified complaint for
17 unlawful detainer against Defendant Sophia F. Ludyjan Woods in San Diego County
18 Superior Court. [Doc. No. 1-1.] On March 11, 2014, Sophia F. Ludyjan Woods removed
19 the action to this court. [Doc. No. 1.] After reviewing Defendant's notice of removal and
20 the underlying complaint, the Court finds that it lacks subject matter jurisdiction over
21 this case. Therefore, for the following reasons, the Court **REMANDS** this action to state
22 court

23 **DISCUSSION**

24 A suit filed in state court may be removed to federal court by the defendant or
25 defendants if the federal court would have had original subject matter jurisdiction over
26 that suit. 28 U.S.C. § 1441(a); *Snow v. Ford Motor Co.*, 561 F.2d 787, 789 (9th Cir.
27 1977). The existence of federal jurisdiction must be determined on the face of the
28 plaintiff's complaint. *See Caterpillar, Inc. v. Williams*, 482 U.S. 386, 392 (1987). A

1 “cause of action arises under federal law only when the plaintiff’s well pleaded
 2 complaint raises issues of federal law.” *Metropolitan Life Ins. Co. v. Taylor*, 481 U.S.
 3 58, 63 (1987). A well pleaded complaint must establish “either that federal law creates
 4 the cause of action or that the plaintiff’s right to relief necessarily depends on resolution
 5 of a substantial question of federal law.” *Franchise Tax Bd. v. Constr. Laborers*
 6 *Vacation Trust*, 463 U.S. 1, 27-28 (1983). The Court may remand *sua sponte* or on
 7 motion of a party, and the party who invoked the federal court’s removal jurisdiction has
 8 the burden of establishing federal jurisdiction. *See Emrich v. Touche Ross & Co.*, 846
 9 F.2d 1190, 1195 (9th Cir. 1988), citing *Wilson v. Republic Iron & Steel Co.*, 257 U.S. 92,
 10 97 (1921). The removal statute is strictly construed against removal jurisdiction and any
 11 doubt is resolved in favor of remand. *Boggs v. Lewis*, 863 F.2d 662, 663 (9th Cir. 1988);
 12 *Libhart v. Santa Monica Dairy Co.*, 592 F.2d 1062, 1064 (9th Cir. 1979). “Federal
 13 jurisdiction must be rejected if there is any doubt as to the right of removal in the first
 14 instance.” *Gaus v. Miles*, 980 F.2d 564, 566 (9th Cir. 1992).

15 Generally, subject matter jurisdiction is based on the presence of a federal
 16 question, *see* 28 U.S.C. § 1331, or on complete diversity between the parties, *see* 28
 17 U.S.C. § 1332. Ms. Ludyjan-Woods alleges that this “case has constitutional issues and
 18 that there are due process violations. [Doc. No. 1 at ¶ 5.] The Court, however, must
 19 consider *sua sponte* whether jurisdiction actually exists. *See Valdez v. Allstate Ins. Co.*,
 20 372 F.3d 1115, 1116 (9th Cir. 2004) (observing that a court is required to consider *sua*
 21 *sponte* whether it has subject matter jurisdiction). Here, federal question jurisdiction is
 22 absent because no “federal question is presented on the face of plaintiff’s properly
 23 pleaded complaint.” *Caterpillar, Inc. v. Williams*, 482 U.S. 386, 392 (1987). Plaintiff’s
 24 complaint asserts a single claim for unlawful detainer, a cause of action that is purely a
 25 matter of state law. *See Federal Nat. Mortg. Ass’n v. Enshiwat*, 2012 WL 683106, at *1
 26 (C.D. Cal. March 2, 2012) (“Unlawful detainer actions are strictly within the province
 27 of state court”) (quotations omitted); *Galileo Fin. v. Miin Sun Park*, EDCV 09-1660
 28 PSG, 2009 WL 3157411 (C.D. Cal. Sept. 24, 2009) (“the complaint only asserts a claim

1 for unlawful detainer, a cause of action that is purely a matter of state law.”) Likewise,
2 here, despite Ms. Ludyjan-Woods’ assertions otherwise, the face of Plaintiff’s complaint
3 makes clear that no basis for federal question jurisdiction exists.

4 In addition, diversity jurisdiction is absent. For a federal court to exercise
5 diversity jurisdiction, the amount in controversy requirement must be met. *See* 28 U.S.C.
6 § 1332(a). Plaintiff’s complaint clearly demonstrates that the amount in controversy
7 does not exceed \$75,000, exclusive of attorneys fees and costs, as Plaintiff seeks limited
8 civil damages totaling less than \$10,000. Thus, diversity jurisdiction is lacking.

9 **CONCLUSION**

10 Based on the foregoing, the Court lacks subject matter jurisdiction over this matter
11 and therefore **REMANDS** the case to state court.

12 **IT IS SO ORDERED.**

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14 DATED: March 11, 2014

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17 **CATHY ANN BENCIVENGO**
18 United States District Judge
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